

Exhibit "17"

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has to share a phone with Ben Bumanglag. The phone in Ben's cubicle is the nearest phone to Andrew Lopez' desk. Their desks are separated by a partition.

59. Andrew Lopez never told me that he had a problem with not having a phone on his desk. Even if he had done so, the only consolation I could have provided would have been to remind him that we are scheduled to move to another location where he will have his own phone. I anticipate this move to take place around July 1999. In the meantime, we are already using the maximum number of phone lines available to us.

60. It is also noteworthy that Andrew is not the only person affected by the limited phone line availability. All of the Supervisory Inspectors downstairs have to share phones. Two other Senior Inspectors, Ricky and Richard, also share a phone.

ISSUE 14: ASKED TO PERFORM DUTIES UNRELATED TO HIS POSITION

61. We are often short-handed during the peak Asian travel time. Congress mandates that flights be cleared in a specified time. Consequently, Seniors and others have to be assigned to Primary to clear those flights. The Senior Inspectors' Position Description even specifies that 5% of a Senior Inspector's time shall be conducting Primary, Secondary and other duties as assigned.

62. Every Senior Inspector who is not in court works Primary along with other INS employees who are not normally assigned to Primary Inspections when the workload

or working a case under a deadline

demands. At worst, this means that a Senior Inspector would be assigned to Primary three to four hours on a given day. I did not document how frequently Andrew Lopez was assigned to Primary during the time period he specifies in his complaint except for a notation in my day planner that Andrew was assigned to Primary from 0600 to 1000 on January 21, 1998. All determinations as to which Senior Inspector would be assigned to Primary on any given day were based on the workload that each Senior Inspector was carrying at the time.

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63. The way the EEO Investigator has described Andrew's allegation makes it sound as if Andrew was assigned a permanent booth in Primary with his name on it. This is completely untrue. No names are placed on booths. No one cares who covers a booth as long as it is covered. Andrew's name would have appeared on a booth assignment sheet, as would anyone else's name who was assigned to Primary on a given day. As I said before, all Senior Inspectors have been assigned to Primary on an as-needed basis and their availability relative to the other Senior Inspectors in the unit.

CONTINUING VIOLATION

64. I have not harassed Andrew Lopez. I have not discriminated against Hispanics. I support the EEO process and, other than keeping better notes on what occurs day to day, my supervisory style did not change after Andrew Lopez sought EEO counseling.